



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

www.deq.virginia.gov

July 15, 2009

L. Preston Bryant, Jr.
Secretary of Natural Resources

Lynchburg Office
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

David K. Paylor
Director

Steven A. Dietrich
Regional Director

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

Mr. Alan R. Wood, P.E.
Manager, Water & Ecological Resource Services
American Electric Power
1 Riverside Plaza
Columbus, OH 43215

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: **VPDES Permit No. VA0000370**
APCO - Glen Lyn, Glen Lyn, VA

Dear Mr. Wood:

Your VPDES permit is enclosed. Discharge Monitoring Report (DMR) forms are included with the permit. Please make additional copies of the DMRs for future use. The first DMR for the month of **August** is due by **September 10, 2009**. If you still have DMR data to report as required by the previous permit, please submit it as an attachment to the first DMR required by this permit. Monitoring results on the DMRs should be reported to the same number of significant digits as are included in the permit limit for the parameter. Please send DMRs to:

Virginia Department of Environmental Quality
Blue Ridge Regional Office
3019 Peters Creek Road
Roanoke, VA 24019-2738

Note that DEQ has launched an e-DMR program that allows you to submit the effluent data electronically. If you are interested in participating in this program please visit the following website for details: <http://www.deq.virginia.gov/water/edmrfaq.html>.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the

Permit No. VA0000370
APCO – Glen Lyn
Page 2

Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under §§ 62.1 - 44.16, 62.1 - 44.17, and 62.1 - 44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in §1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any questions about the permit, please contact Lynn V. Wise at (540)562-6787 or by email at lynn.wise@deq.virginia.gov.

Sincerely,



Steven A. Dietrich, P.E.
Regional Director

Enclosure: Permit No. VA0000370
DMRs

cc: DEQ-OWPP
EPA, Region III - 3WP12

BYPASSES AND OVERFLOWS		TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE			
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)					TYPED OR PRINTED NAME	SIGNATURE					
					PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT			TELEPHONE			
					TYPED OR PRINTED NAME			SIGNATURE			
					TYPED OR PRINTED NAME			SIGNATURE	YEAR	MO.	DAY

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME APCO - Glen Lyn
ADDRESS American Electric Power
Columbus OH 43215

FACILITY
LOCATION Rt 460 and 649

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Major 07/09/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

West Central Regional Office
3019 Peters Creek Road

Roanoke VA 24019

VA0000370	002
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
			TO		

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
001 FLOW	REPORTD				*****	*****			
	REQRMNT	NL		*****	*****	*****		CONT	CALC
082 HEAT REJ**8	REPORTD	*****		*****	*****	*****			
	REQRMNT	*****	NL	*****	*****	*****		CONT	REC
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
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	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE		
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				TELEPHONE				
				SIGNATURE		YEAR	MO.	DAY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME APCO - Glen Lyn
ADDRESS American Electric Power
Columbus OH 43215

FACILITY
LOCATION Rt 460 and 649

VA0000370	003
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY

FROM

Industrial Major 07/09/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

West Central Regional Office
3019 Peters Creek Road

Roanoke VA 24019

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	REQRMNT	NL		*****	*****	*****		CONT	CALC
002 HEAT REJ**8	REPORTD	*****		*****	*****	*****			
	REQRMNT	*****	NL	*****	*****	*****		CONT	REC
	REPORTD								
	REQRMNT							*****	
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	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	

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FACILITY
LOCATION Rt 460 and 649

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Major 07/09/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

West Central Regional Office
3019 Peters Creek Road

Roanoke

VA 24019

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
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VA0000370	004				
PERMIT NUMBER	DISCHARGE NUMBER				
MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
FROM			TO		

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
001 FLOW	REPORTD			*****	*****	*****			
	REQRMNT	NL	MGD	*****	*****	*****		1/W	MEAS
002 PH	REPORTD	*****			*****				
	REQRMNT	*****		6.0	*****	9.0		1/W	GRAB
004 TSS	REPORTD	*****		*****					
	REQRMNT	*****		*****	30	96		1/W	24HC
500 OIL & GREASE	REPORTD	*****		*****					
	REQRMNT	*****		*****	15	20		1/3M	GRAB
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
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	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	

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BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE				
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME APCO - Glen Lyn
ADDRESS American Electric Power OH 43215
Columbus

FACILITY
LOCATION Rt 460 and 649

VA0000370
PERMIT NUMBER

005
DISCHARGE NUMBER

MONITORING PERIOD
YEAR MO DAY YEAR MO DAY
TO

Industrial Major 07/09/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

West Central Regional Office
3019 Peters Creek Road

Roanoke VA 24019

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

FROM

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
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001 FLOW	REPORTD			*****	*****	*****			
	REQRMNT	NL	MGD	*****	*****	*****		CONT	CALC
002 HEAT REJ**8	REPORTD	*****		*****	*****	*****			
	REQRMNT	*****	BTU/H	*****	*****	*****		CONT	REC
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME APCO - Glen Lyn
ADDRESS American Electric Power OH 43215
Columbus

FACILITY Rt 460 and 649
LOCATION

VA0000370 006
PERMIT NUMBER DISCHARGE NUMBER

MONITORING PERIOD
YEAR MO DAY YEAR MO DAY
TO

Industrial Major 07/09/2009

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(REGIONAL OFFICE)

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Roanoke

VA 24019

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001 FLOW	REPORTD			*****	*****	*****			
	REQRMNT	NL	MGD	*****	*****	*****		1/W	MEAS
002 PH	REPORTD	*****			*****				
	REQRMNT	*****			*****				
004 TSS	REPORTD	*****		6.0	*****	9.0	SU	1/W	GRAB
	REQRMNT	*****		*****					
500 OIL & GREASE	REPORTD	*****		*****	30	100	MG/L	1/W	GRAB
	REQRMNT	*****		*****					
	REPORTD	*****		*****	15	20	MG/L	1/3M	GRAB
	REQRMNT	*****		*****					
	REPORTD							*****	
	REQRMNT							*****	
	REPORTD							*****	
	REQRMNT							*****	
	REPORTD							*****	
	REQRMNT							*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
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FROM

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

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DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

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PERMITTEE NAME/ADDRESS(INCLUDE
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NAME AFPO - Glen Lyn
ADDRESS American Electric Power
Columbus OH 43215

FACILITY LOCATION
Rt 460 and 649

VA0000370	901
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD			
YEAR	MO	DAY	TO

FROM

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	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
001 FLOW	REPORTD	*****		*****	*****	*****			
	REQRMNT	*****	MG	*****	*****	*****		1/3M	EST
196 ZINC, TOTAL RECOVERABLE	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	NL		1/3M	GRAB
REPORTD	REPORTD								
	REQRMNT							*****	
REPORTD	REPORTD								
	REQRMNT							*****	
REPORTD	REPORTD								
	REQRMNT							*****	
REPORTD	REPORTD								
	REQRMNT							*****	
REPORTD	REPORTD								
	REQRMNT							*****	
REPORTD	REPORTD								
	REQRMNT							*****	
REPORTD	REPORTD								
	REQRMNT							*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
Storm Event Monitoring at 001

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
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DISCHARGE MONITORING REPORT(DMR)

Industrial Major 07/09/2009

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PERMITTEE NAME/ADDRESS(INCLUDE
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NAME APCO - Glen Lyn
ADDRESS American Electric Power OH 43215
Columbus

FACILITY LOCATION Rt 460 and 649

VA0000370	907
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD			
YEAR	MO	DAY	TO

FROM

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	REQRMNT *****	NL	MG	*****	*****	*****		1/YR	EST
002 PH	REPORTD *****				*****				
	REQRMNT *****			6.0	*****	9.0		1/YR	GRAB
004 TSS	REPORTD *****			*****	*****				
	REQRMNT *****			*****	*****	100		1/YR	GRAB
500 OIL & GREASE	REPORTD *****			*****	*****				
	REQRMNT *****			*****	*****	20		1/YR	GRAB
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
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DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME APCO - Glen Lyn
ADDRESS American Electric Power
Columbus OH 43215

FACILITY Rt 460 and 649
LOCATION

VA0000370
PERMIT NUMBER

999
DISCHARGE NUMBER

MONITORING PERIOD
YEAR MO DAY TO
YEAR MO DAY

Industrial Major 07/09/2009

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

West Central Regional Office
3019 Peters Creek Road

Roanoke

VA 24019

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
082 HEAT REJ**8	REPORTD	*****		*****	*****	*****			
	REQRMNT	*****	9.48	*****	*****	*****		CONT	REC
	REPORTD								
	REQRMNT							*****	
	REPORTD								
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ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
Combined Thermal Load from 001, 002 and 003

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
				TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO. DAY
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE	
				TYPED OR PRINTED NAME		SIGNATURE	



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. **VA0000370**

Effective Date: July 11, 2009

Expiration Date: July 10, 2014

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit. The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable To All VPDES Permits, as set forth herein.

Owner: **Appalachian Power Company**
Facility Name: **APCO - Glen Lyn**
City: **N/A**
County: **Giles**
Facility Location: **100 APCO Road, Glen Lyn, VA**

The owner is authorized to discharge to the following receiving streams:

Stream: **New River, East River, Adair Run, Adair Run, UT**
River Basin: **New River**
River Subbasin: **N/A**
Section: **1**
Class: **IV**
Special Standards: **u**


Steven A. Dietrich, P.E., Regional Director


Date

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 (unit #6 turbine oil cooler/storm water).

Such discharges shall be limited and monitored at outfall 001 by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>		
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	1/Week	Measured
Heat Rejected (BTU/Hr) ^b	NA	NA	NA	NL	1/Month	Calculated

NL - No limitation, monitoring only;
NA - Not applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. See Part I.A for Outfall 999 (page 12 of 34) for heat rejected limitation and reporting requirements.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING - APCO Glen Lyn

2. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 901 (storm event monitoring at outfall 001).

Such discharges shall be limited and monitored by the permittee as specified below:

	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type*</u>
Flow (MG)	NA	NL	1/3 Months	Estimate
Total Recoverable Zinc (µg/l)	NA	NL	1/3 Months	Grab

NL= No Limitation, monitoring required
 NA= Not Applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. In addition to the analytical results, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

* See monitoring requirements in Part I.E.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

3. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 002 (unit #6 cooling water (20%)).

Such discharges shall be limited and monitored at outfall 002 by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	Calculated
Heat Rejected (BTU/hr) ^b	NA	NA	NA	Continuous	Recorded

NL - No limitation, monitoring only;
NA - Not applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. See Part I.A for Outfall 999 (page 12 of 34) for heat rejected limitation and reporting requirements.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

4. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 003 (unit #5 cooling water).

Such discharges shall be limited and monitored at outfall 003 by the permittee as specified below:

	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL Continuous	Calculated
Heat Rejected (BTU/hr) ^b	NA	NA	NA	NL Continuous	Recorded

NL - No limitation, monitoring only;
NA - Not applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. See Part I.A for Outfall 999 (page 12 of 34) for heat rejected limitation and reporting requirements.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

5. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 004 (bottom ash ponds, low volume waste stream, coal pile underdrain and miscellaneous wastewater discharge).

Such discharges shall be limited and monitored at outfall 004 by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	1/Week	Measured
pH (SU)	NA	NA	6.0	1/Week	Grab
Total Suspended Solids (mg/l) ^b	30	NA	NA	1/Week	24 HC
Oil & Grease (mg/l) ^b	15	NA	NA	1/3 Months	Grab

NL - No limitation, monitoring only;
NA - Not applicable
24HC - 24-Hour Composite

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. See Part I.B.4. for quantification levels and reporting requirements.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

6. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 005 (unit #6 cooling water(80%)/storm water).

Such discharges shall be limited and monitored at outfall 005 by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>			<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	Continuous	Calculated
Heat Rejected (BTU/hr)	NA	NA	NA	8.32 x 10 ⁸	Continuous	Recorded

NL - No limitation, monitoring only;
NA - Not applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING - APCO Glen Lyn

7. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 502 (storm event monitoring at internal outfall 502).

Such discharges shall be limited and monitored by the permittee as specified below:

THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THIS OUTFALL

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. Should a discharge of storm water occur at this outfall, the permittee shall provide the date and duration (in hours) of the storm event(s); rainfall measurements or estimates (in inches) of the storm event that generated the discharge; and an estimate of the total volume (in gallons) of the discharge sampled. **See reporting requirements in Part I.D.**

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

8. During the period beginning with the permit's effective date, and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 006 (fly ash pond).

Such discharges shall be limited and monitored at outfall 006 by the permittee as specified below:

	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	
Flow (MGD)	NL	NA	NA	NL	Frequency
pH (SU)	NA	NA	6.0	9.0	Sample Type
Total Suspended Solids (mg/l) ^b	30	NA	NA	100	1/Week
Oil & Grease (mg/l) ^b	15	NA	NA	20	1/Week
					1/3 Months
					Grab
					Grab
					Measured

NL - No limitation, monitoring only;
 NA - Not applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. See Part I.B.4. for quantification levels and reporting requirements.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

9. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 007 (ash storage runoff pond).

Such discharges shall be limited and monitored at outfall 007 by the permittee as specified below:

	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>		
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	1/Week	Measured
pH (SU)	NA	NA	6.0	9.0	1/Week	Grab
Total Suspended Solids (mg/l) ^b	30	NA	NA	100	1/Week	Grab
Oil & Grease (mg/l) ^b	15	NA	NA	20	1/3 Months	Grab

NL - No limitation, monitoring only;
NA - Not applicable

- There shall be no discharge of floating solids or visible foam in other than trace amounts.
- See Part I.B.4. for quantification levels and reporting requirements.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING - APCO Glen Lyn

10. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 907 (storm event monitoring at outfall 007).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type*</u>
Flow (MG)	NA	NL	1/Year	Estimate
Oil and Grease (mg/l) ^c	NA	20	1/Year	Grab
Total Suspended Solids (mg/l) ^c	NA	100	1/Year	Grab
pH (s.u.)	6.0	9.0	1/Year	Grab

NL= No Limitation, monitoring required NA= Not Applicable

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- a. In addition to the analytical results, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
- c. See Part I.B.4. for quantification levels and reporting requirements.

* See monitoring requirements in Part I.E.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

11. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial numbers 008 (storm water management pond) and 009 (non-contact landfill run-off).

Such discharges shall be limited and monitored at outfalls 008 and 009 by the permittee as specified below:

THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THIS OUTFALL

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – APCO Glen Lyn

12. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 999 (combined thermal discharge from outfalls 001, 002, and 003).

Such discharges shall be limited and monitored at outfall 999 by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Frequency</u>	<u>Sample Type</u>
Heat Rejected (BTU/Hr)	NA	NA	NA		See Individual Outfalls

NL - No limitation, monitoring only; NA - Not applicable

- There shall be no discharge of floating solids or visible foam in other than trace amounts.
- The total of the individual heat rejected values for outfalls 001, 002, and 003 shall be reported for outfall 999.

B. OTHER REQUIREMENTS AND SPECIAL CONDITIONS

1. **Notification Levels** The permittee shall notify the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board.

2. **Operation and Maintenance Manual Requirement** The permittee shall develop an Operations and Maintenance (O&M) Manual for the treatment works. This manual shall detail the practices and procedures that will be followed to ensure compliance with the requirements of this permit. The manual shall be submitted to the DEQ Blue Ridge Regional Office for staff approval **within 90 days of the effective date of the permit**. The permittee shall operate the treatment works in accordance with the approved O&M Manual. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Techniques to be employed in the collection, preservation, and analysis of effluent samples;
- b. Discussion of Best Management Practices, if applicable;
- c. Treatment system design, treatment system operation, routine preventive maintenance of units within the treatment system, critical spare parts inventory and record keeping;
- d. A plan for the management and/or disposal of waste solids and residues;
- e. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.B.3 that will prevent these materials from reaching State waters; and
- f. Procedures for measuring and recording the duration and volume of treated wastewater discharged

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit.

Noncompliance with the O&M Manual shall be deemed a violation of the permit.

B. OTHER REQUIREMENTS AND SPECIAL CONDITIONS

3. **Materials Handling/Storage** Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.

4. **Compliance Reporting under Part I.A.**

- a. The quantification level (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Total Suspended Solids	1.0 mg/l
Oil & Grease	5.0 mg/l

- b. Reporting

Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.A shall be determined as follows: All concentration data below the QL listed above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.A shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

Significant Figures -- The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

5. **Sampling to Fulfill Form 2C Requirements** The permittee shall complete and submit Parts V and VI of Form 2C for outfall 006 should the fly ash pond be returned to use resulting in an overflow discharge, no later than one year following the commencement of discharge. Following an evaluation of the required information, this permit may be modified, or alternatively, revoked and reissued in order to incorporate additional or different permit conditions.

B. OTHER REQUIREMENTS AND SPECIAL CONDITIONS

6. **Sampling to Fulfill Form 2F Requirements** The completed Part VII of Form 2F shall be submitted for Outfall 008 and Outfall 009 within one year of commencement of discharge.
7. **Discharge of Debris** Debris collected on intake trash racks shall not be returned to the waterway.
8. **Discharge of Polychlorinated Biphenyl Compounds** There shall be no discharge of Polychlorinated Biphenyl compounds from this source due to operations at this facility in amounts equal to or greater than that detectable by EPA certified methods, as specified in 40 CFR Part 136. (Guidelines establishing test procedures for analysis of pollutants).
9. **Monitoring for Polychlorinated Biphenyl Compounds** The permittee shall monitor the effluent at Outfall 901, Outfall 004, Outfall 006 (if there is an overflow discharge), Outfall 007/907, and the sewage discharge entering the collection system of the Town of Glen Lyn for Polychlorinated Biphenyls (PCBs) in accordance with the schedule in 9.f. below. DEQ will use these data for development of a PCB TMDL for the New River and not for compliance purposes. The permittee shall conduct the sampling and analysis in accordance with the requirements specified below. At a minimum:
 - a. Monitoring and analysis shall be conducted in accordance with the most current version of EPA Method 1668, congener specific results as specified in the PCB Point Source Monitoring Guidance. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures.
 - b. The permittee shall collect a minimum of two (2) wet weather samples at Outfall 901, two (2) dry weather samples at Outfall 004, two (2) dry weather samples from Outfall 006 (if there is an overflow discharge from the fly ash pond), one (1) dry weather and one (1) wet weather sample from Outfall 007/907, and two (2) samples from the sanitary sewer according to the PCB Point Source Guidance No. 09-2001, Appendix C (Sample Collection Methods for Effluent and Storm Water) and/or its amendments. Samples previously collected from these outfalls and analyzed with Method 1668, may be used in satisfying the total number of samples required even if the collection occurred prior to the current permit term.
 - c. The sampling protocol shall be submitted to DEQ - Blue Ridge Regional Office for review and approval in accordance with the schedule in 9.f. below prior to the first sample collection.
 - d. The data shall be submitted to DEQ - Blue Ridge Regional Office by the 10th day of the month following receipt of the results according to the PCB Point Source Guidance No. 09-2001, Appendix E (Reporting Requirements for Analytical (PCB) Data Generated Using EPA Method 1668) and/or its amendments. The submittal shall include the unadjusted and appropriately quantified individual PCB congener analytical results. Additionally, laboratory and field QA/QC documentation and results should be reported. Total PCBs are to be computed as the summation of the reported, quantified congeners.
 - e. If the results of this monitoring indicate actual or potential exceedance of the water quality criterion or the Waste Load Allocation specified in the approved TMDL, the permittee shall submit to DEQ - Blue Ridge Regional Office for review and approval a Pollutant Minimization Plan (PMP) designed to locate and reduce sources of PCBs in the collection system. A component of the plan may include an evaluation of the PCB congener distribution in the initial source intake water to determine the net contributions of PCBs introduced to the treatment works.

B. OTHER REQUIREMENTS AND SPECIAL CONDITIONS**9. Monitoring for Polychlorinated Biphenyl Compounds (continued)**

f. PCB monitoring shall proceed in accordance with the following schedule:

1. Submit PCB sampling protocol no later than July 10, 2010
2. Complete and Submit PCB
monitoring results to the DEQ - no later than October 10, 2011
Blue Ridge Regional Office.
3. If required, Submit Pollutant within 1 year of notification by
Minimization Plan (PMP) DEQ

10. **Total Maximum Daily Load (TMDL) Reopener** This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

11. **316(a) Variance** The permittee shall assemble the information necessary to support the 316(a) variance and submit the information to the DEQ Blue Ridge Regional Office within 180 days of the effective date of the permit. At a minimum, the permittee should verify that the plant operating conditions and load factors are unchanged from the original variance request and are expected to remain so for the duration of the permit term; that there have been no changes to the plant discharges or other discharges in the vicinity of the plant site that could interact with the thermal discharges; and verify that there have been no known changes to the biotic community of the receiving water bodies that would impact the previous 316(a) determinations.

12. **316(b) Determination** As required by §316(b) of the Clean Water Act, the location, design, construction and capacity of the cooling water intake structures for the permitted facility shall reflect the best technology available (BTA) for minimizing adverse environmental impact. **Within one year of the effective date of this permit**, the permittee shall submit biological data collected consistent with that described in the April 2005 Proposal for Information Collection. This permit may be reopened to address compliance with Clean Water Act §316(b) through requirements including but not limited to those specified in EPA regulations in 40 CFR Part 125 Subpart J when finalized.

C. TOXICS MANAGEMENT PROGRAM

1. Biological Monitoring - Outfall 006 (Required in the event of overflow discharge only)

- a. Should the wet fly ash transport system be used such that an overflow discharge occurs, the permittee shall conduct quarterly acute and chronic toxicity tests until there are a minimum of 10 for each test required. The permittee should collect 24-hour flow-proportioned composite samples of final effluent from outfall 006. The acute multi-dilution NOAEC tests to use are:

48 Hour Static Acute test using *Ceriodaphnia dubia*

48 Hour Static Acute test using *Pimephales promelas*

These acute tests are to be conducted using 5 geometric dilutions of effluent with a minimum of 4 replicates, with 5 organisms in each. The NOAEC (No Observed Adverse Effect Concentration), as determined by hypothesis testing, shall be reported on the DMR converted to TU_a ($100/NOAEC$). The LC_{50} should also be determined and noted on the submitted report. Tests in which control survival is less than 90% are not acceptable.

The chronic tests to use are:

Chronic 3-Brood Static Renewal Survival and Reproduction Test using *Ceriodaphnia dubia*

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. Results which cannot be quantified (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing $100/NOEC$ for DMR reporting. Report the LC_{50} at 48 hours and the IC_{25} with the NOEC's in the test report.

The permittee may provide additional samples to address data variability during the period of initial data generation. These data shall be reported and may be included in the evaluation of effluent toxicity. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

- b. The test dilutions should be able to determine compliance with the following endpoints:

(2) Chronic NOEC of 60% equivalent to a TU_c of 1.66

- c. The test data will be evaluated by WLA.EXE for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of 1.a. may be discontinued.
- d. If after evaluating the data, it is determined that no limit is needed, the permittee shall continue acute and chronic toxicity testing (both species) of the outfall annually, as on the reporting schedule in 2.
- e. All applicable data will be reevaluated for reasonable potential at the end of the permit term.

C. TOXICS MANAGEMENT PROGRAM

2. Reporting Schedule - Outfall 006 (**Required in the event of overflow discharge only**)

The permittee shall report the results on the DMR and supply two (2) copies of the toxicity test reports specified in this Toxics Management Program in accordance with the following schedule:

<u>Period</u>	<u>Compliance Periods</u>	<u>DMR/Report Submission Dates</u>
Quarter 1	Within 3 months of commencement of discharge	With DMR for the fourth month following commencement of discharge
Quarter 2-10	Every three months from compliance period above	With DMR for the month following the compliance period
Annual	Beginning three months from completion of 10 quarters	With DMR for the month following the compliance period

D. STORM WATER MANAGEMENT EVALUATION

The Storm Water Pollution Prevention Plan, SWPPP, which is to be developed and maintained in accordance with Part I.F. of this permit, shall have a goal of reducing pollutants discharged at all the regulated storm water outfalls.

1. Pollutant Specific Screening

One goal of the SWPPP shall place emphasis on reducing, to the maximum extent practicable, the following pollutants in the outfalls noted below.

<u>OUTFALL NO.</u>	<u>POLLUTANTS</u>
901	Zinc

2. The effectiveness of the SWPPP will be evaluated via the required monitoring for all parameters listed in Part I.A. of this permit for the regulated storm water outfalls. Those results will justify the need to reexamine the SWPPP and any best management practices (BMPs) being utilized for the affected outfalls. In addition, the permittee shall amend the SWPPP whenever there is a change in the facility or its operation that materially increases the potential for activities to result in a discharge of significant amounts of pollutants.
3. By **September 10th** of each year, the permittee shall submit to the DEQ Regional Office an Annual Report which includes the pollutant-specific monitoring data from Outfall 901 along with a summary of any steps taken to modify either the SWPPP or any BMPs based on the monitoring data. The permittee shall also submit the following information for any discharge of storm water from Outfall 502:
 - a. The date and duration (in hours) of the storm event sampled;
 - b. The rainfall measurements or estimates (in inches) of the storm event which generated a discharge; and
 - c. The duration between the storm event that generated the discharge and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

The first report is due on **September 10, 2009**.

E. GENERAL STORM WATER SPECIAL CONDITIONS

1. Sample Type

For all storm water monitoring required in Part I.A or other applicable sections of this permit, a minimum of one grab sample shall be taken. Unless otherwise specified, all such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

2. Recording of Results

For each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Reports (DMRs) the following information:

- a. The date and duration (in hours) of the storm event(s) sampled;
- b. The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and
- c. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. A summarization of this information shall also be submitted with the DMRs.

3. Sampling Waiver

When a permittee is unable to collect storm water samples required in Part I.A or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

E. GENERAL STORM WATER SPECIAL CONDITIONS

4. Representative Discharges

When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes substantially identical effluents are discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also apply to the substantially identical outfall(s) provided that: (1) the representative outfall determination has been approved by DEQ prior to data submittal; and, (2) the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents.

5. Quarterly Visual Examination of Storm Water Quality

- a. The permittee shall perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II.K of this permit.
- b. Visual examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination shall be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All samples (except snowmelt samples) shall be collected from the discharge resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event"), and that occurs at least 72 hours from the previously measurable storm event. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual shall carry out the collection and examination of discharges for the entire permit term. If no qualifying storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no qualifying storm event occurred during daylight hours that resulted in storm water runoff during that quarter. The documentation shall be signed and certified in accordance with Part II.K.
- c. The visual examination reports shall be maintained on-site with the Storm Water Pollution Prevention Plan (SWPPP). The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

E. GENERAL STORM WATER SPECIAL CONDITIONS

5. Quarterly Visual Examination of Storm Water Quality (continued)

- d. Representative outfalls – essentially identical discharges. If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may conduct visual monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall(s). The permittee shall include the following information in the SWPPP:
 - (a) The locations of the outfalls;
 - (b) Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data, where available;
 - (c) Estimates of the size of the drainage area (in square feet) for each of the outfalls; and
 - (d) An estimate of the runoff coefficient of the drainage areas (low: under 40%; medium: 40% to 65%; high: above 65%).
- e. When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

6. Allowable Non-storm Water Discharges.

- a. The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with 6.b, below.
 - (1) Discharges from fire fighting activities;
 - (2) Fire hydrant flushings;
 - (3) Potable water including water line flushings;
 - (4) Uncontaminated air conditioning or compressor condensate;
 - (5) Irrigation drainage;
 - (6) Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
 - (7) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
 - (8) Routine external building wash down which does not use detergents;
 - (9) Uncontaminated ground water or spring water;
 - (10) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
 - (11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

E. GENERAL STORM WATER SPECIAL CONDITIONS

6. Allowable Non-storm Water Discharges (continued).

- b. Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:
 - (1) Identification of each allowable non-storm water source;
 - (2) The location where it is likely to be discharged; and
 - (3) Descriptions of appropriate BMPs for each source.
- c. If mist blown from cooling towers is included as one of the allowable non-storm water discharges, the facility must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower. The permittee must determine that the levels of such chemicals in the discharges will not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs selected to control such discharges.

7. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from the facility shall be prevented or minimized in accordance with the storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302 occurs during a 24-hour period:

- a. The permittee is required to notify the department in accordance with the requirements of Part II.G as soon as he has knowledge of the discharge;
- b. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner of the MS4; and
- c. The storm water pollution prevention plan required under Part III shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan shall be modified where appropriate.

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

A storm water pollution prevention plan was required to be developed and implemented for the facility by the previous permit. The existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section. The SWPPP shall include Best Management Practices (BMPs) that are reasonable, economically practicable, and appropriate in light of current industry practices. The BMPs shall be selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce the pollutants in all storm water discharges from the facility. The SWPPP shall also include any control measures necessary for the storm water discharges to meet applicable water quality standards.

The SWPPP requirements of this permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part I.F.4 (Contents of the Plan). All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part I.F.4, the permittee shall develop the missing SWPPP elements and include them in the required plan.

1. Deadlines for Plan Preparation and Compliance

- a. Existing Facilities. The facility shall prepare and implement the plan as expeditiously as practicable, but not later than 270 days from the effective date of the permit.
- b. Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the date of coverage under the permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

2. Contents of the Plan.

The contents of the SWPPP shall comply with the requirements listed below and those in Part G. The plan shall include, at a minimum, the following items:

- a. Pollution Prevention Team. The plan shall identify the staff individuals by name or title that comprise the facility's storm water pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, and revising the facility's SWPPP. Responsibilities of each staff individual on the team must be listed.
- b. Site Description. The plan shall include the following:
 - (1) Activities at the Facility. A description of the nature of the industrial activities at the facility.
 - (2) General Location Map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

(3) Site Map. A site map identifying the following:

- (a) The size of the property (in acres);
- (b) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);
- (c) The location of all storm water conveyances including ditches, pipes, swales, and inlets, and the direction of storm water flow (use arrows to show which ways storm water will flow);
- (d) Locations of all existing structural and source control BMPs;
- (e) Locations of all surface water bodies, including wetlands;
- (f) Locations of potential pollutant sources identified under Part F.2.c;
- (g) Locations where significant spills or leaks identified under Part F.2.d have occurred;
- (h) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; and liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;
- (i) Locations of storm water outfalls and an approximate outline of the area draining to each outfall; and location of municipal storm sewer systems, if the storm water from the facility discharges to them;
- (j) Location and description of non-storm water discharges;
- (k) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes; and
- (l) Location and source of run-on to the site from adjacent property, where run-on contains significant quantities of pollutants. The permittee shall include an evaluation with the SWPPP of how the quality of the storm water running onto the facility impacts the facility's storm water discharges.

(4) Receiving Waters and Wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland sites that may receive discharges from the facility. If the facility discharges through a municipal separate storm sewer system (MS4), identify the MS4 operator and the receiving water to which the MS4 discharges.

c. Summary of Potential Pollutant Sources. The plan shall identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:

- (1) Activities in Area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

(2) Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to storm water in the three years prior to the date the SWPPP was prepared or amended.

d. Spills and Leaks. The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to storm water discharges can occur and their corresponding outfalls. The plan shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include releases of oil or hazardous substances in excess of reportable quantities, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

e. Sampling Data. The plan must include a summary of existing discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

f. Storm Water Controls. The SWPPP shall include a description of storm water management controls appropriate for the facility. The description of controls shall address the following minimum components:

(1) BMPs shall be implemented for all the areas identified in Part F.2.c (Summary of Potential Pollutant Sources) to prevent or control pollutants in storm water discharges from the facility. All reasonable steps shall be taken to control or address the quality of discharges from the site that may not originate at the facility. The SWPPP shall describe the type, location, and implementation of all BMPs for each area where industrial materials or activities are exposed to storm water.

Selection of BMPs should take into consideration:

(a) That preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;

(b) BMPs generally shall be used in combination with each other for most effective water quality protection;

(c) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;

(d) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ground water contamination);

(e) Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

(f) Conservation or restoration of riparian buffers will help protect streams from storm water runoff and improve water quality; and

(g) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS**(2) Control Measures (Non-numeric technology-based effluent limits)**

The permittee shall implement the following types of BMPs to prevent and control pollutants in the storm water discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

(a) Good Housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to storm water discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers. The introduction of raw, final or waste materials to exposed areas of the facility shall be minimized to the maximum extent practicable. The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized to the maximum extent practicable.

(b) Eliminating and minimizing exposure. To the extent practicable, industrial materials and activities shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9 VAC 25-31-120 E, thereby eliminating the need to have a permit

(c) Preventive Maintenance. The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid breakdowns or failures that could result in leaks, spills and other releases. This program is in addition to the specific BMP maintenance required under Part F.3. (Maintenance of BMPs).

(d) Spill Prevention and Response Procedures. The plan shall describe the procedures that will be followed for preventing and responding to spills and leaks.

i. Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.

ii. Response procedures shall include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team.

iii. Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.

(e) Routine Facility Inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs shall regularly inspect all areas of the facility where industrial materials or activities are exposed to storm water. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part F.5. At least one member of the Pollution Prevention Team shall participate in the routine facility inspections.

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. The requirement for routine facility inspections is waived for facilities that have maintained an active E3/E4 status. At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge is occurring.

Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP, along with the date(s) and description(s) of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.

(f) Employee training. The permittee shall implement a storm water employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to storm water, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

(g) Sediment and erosion control. The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

(h) Management of runoff. The plan shall describe the storm water runoff management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site.

Structural BMPs may require a separate permit under § 404 of the CWA and the Virginia Water Protection Permit Program Regulation (9 VAC 25-210) before installation begins.

3. Maintenance. All BMPs identified in the SWPPP shall be maintained in effective operating condition. Storm water BMPs identified in the SWPPP shall be observed during active operation (i.e., during a storm water runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs, and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off-line. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

If site inspections required by Part I.F.2.f.2(e) (Routine facility inspections) or Part F.5 (Comprehensive site compliance evaluation) identify BMPs that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of BMPs, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair or replacement, and for repairs, date(s) that the BMP(s) returned to full function, and the justification for any extended maintenance or repair schedules.

4. Allowable Non-storm Water Discharges.

a. Discharges of certain sources of non-storm water are allowable discharges under this permit (see Part I.E.6 - Allowable non-storm water discharges) provided the permittee includes the following information in the SWPPP:

- (1) Identification of each allowable non-storm water source, except for flows from fire fighting activities;
- (2) The location where the non-storm water is likely to be discharged; and
- (3) Descriptions of appropriate BMPs for each source.

b. If mist blown from cooling towers is included as one of the allowable non-storm water discharges from the facility, the permittee shall specifically evaluate the discharge for the presence of chemicals used in the cooling tower. The evaluation shall be included in the SWPPP.

5. Comprehensive Site Compliance Evaluation.

The permittee shall conduct comprehensive site compliance evaluations at least once a year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs. The personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.

a. Scope of the Compliance Evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to storm water, as identified in Part F.2.c. The personnel shall evaluate:

- (1) Industrial materials, residue or trash that may have or could come into contact with storm water;
- (2) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;
- (3) Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;
- (4) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
- (5) Evidence of, or the potential for, pollutants entering the drainage system.
- (6) Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;
- (7) Review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs;

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

(8) Annual outfall evaluation for unauthorized discharges.

(a) The SWPPP shall include documentation that all outfalls have been evaluated annually for the presence of unauthorized discharges (i.e., discharges other than: storm water; the authorized non-storm water discharges described in Part I.B.1; or discharges covered under a separate VPDES permit, other than this permit.) The documentation shall include:

(i.) The date of the evaluation;

(ii.) A description of the evaluation criteria used;

(iii.) A list of the outfalls or on-site drainage points that were directly observed during the evaluation;

(iv.) A description of the results of the evaluation for the presence of unauthorized discharges; and

(v.) The actions taken to eliminate unauthorized discharges, if any were identified (i.e., a floor drain was sealed, a sink drain was rerouted to sanitary, or a VPDES permit application was submitted for a cooling water discharge.)

(b) The permittee may request in writing to the department that the facility be allowed to conduct annual outfall evaluations at 20% of the outfalls. If approved, the permittee shall evaluate at least 20% of the facility outfalls each year on a rotating basis such that all facility outfalls will be evaluated during the period of coverage under this permit.

(9) Results of both visual and any analytical monitoring done during the year must be taken into consideration during the evaluation.

b. Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part F.2.b(3); revise the description of controls required by Part F.2.f to include additional or modified BMPs designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the director. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the department;

c. Compliance Evaluation Report. A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date(s) of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part I.F.5.a(1) through Part I.F.5.a(5) above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of BMPs that need to be maintained or repaired; location(s) of failed BMPs that need replacement; and location(s) where additional BMPs are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II.K and maintained with the SWPPP.

d. Where compliance evaluation schedules overlap with routine inspections required under Part I.F.2.f.2(e), the annual compliance evaluation may be used as one of the routine inspections.

F. GENERAL STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

5. Signature and Plan Review.

a. Signature/Location. The SWPPP, including revisions to the SWPPP to document any corrective actions taken as required by Part I.A.5, shall be signed in accordance with Part II.K, dated, and retained on-site at the facility covered by this permit in accordance with Part II.B.2. All other changes to the SWPPP, and other permit compliance documentation, must be signed and dated by the person preparing the change or documentation. For inactive facilities, the plan may be kept at the nearest office of the permittee.

b. Availability. The permittee shall make the SWPPP, annual site compliance evaluation report, and other information available to the department upon request.

c. Required Modifications. The director may notify the permittee at any time that the SWPPP, BMPs, or other components of the facility's storm water program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the storm water program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the director, and shall submit a written certification to the director that the requested changes have been made.

6. Maintaining an Updated SWPPP.

a. The permittee shall amend the SWPPP as appropriate whenever:

1. There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
2. Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs;
3. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
4. There is a spill, leak or other release at the facility;
5. There is an unauthorized discharge from the facility; or
6. The department notifies the permittee that a TMDL has been developed and applies to the permitted facility.

b. SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part III.C) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

c. If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirement of Part II.G of this permit.

G. SECTOR SPECIFIC STORM WATER REQUIREMENTS

In addition to the requirements of Part I.F, the plan shall include, at a minimum, the following items.

1. Site description. Site map. The site map shall identify the locations of any of the following activities or sources that may be exposed to precipitation/surface runoff: storage tanks, scrap yards, general refuse areas; short and long term storage of general materials (including, but not limited to: supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills; construction sites; and stock pile areas (such as coal or limestone piles).

2. Storm water controls.

a. Good housekeeping measures.

(1) Fugitive dust emissions. The permittee shall describe and implement measures that prevent or minimize fugitive dust emissions from coal handling areas. The permittee shall consider establishing procedures to minimize off-site tracking of coal dust such as installing specially designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.

(2) Delivery vehicles. The plan shall describe measures that prevent or minimize contamination of storm water runoff from delivery vehicles arriving on the plant site. At a minimum the permittee shall consider the following:

(a) Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and

(b) Develop procedures to deal with leakage/spillage from vehicles or containers.

(3) Fuel oil unloading areas. The plan shall describe measures that prevent or minimize contamination of precipitation/surface runoff from fuel oil unloading areas. At a minimum the permittee shall consider using the following measures, or an equivalent:

(a) Use of containment curbs in unloading areas;

(b) During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks/spills are immediately contained and cleaned up; and

(c) Use of spill and overflow protection (e.g., drip pans, drip diapers, and/or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

(4) Chemical loading/unloading areas. The permittee shall describe and implement measures that prevent or minimize the contamination of precipitation/surface runoff from chemical loading/unloading areas. At a minimum the permittee shall consider using the following measures (or their equivalents):

(a) Use of containment curbs at chemical loading/unloading areas to contain spills;

(b) During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks/spills are immediately contained and cleaned up; and

(c) Covering chemical loading/unloading areas, and storing chemicals indoors.

(5) Miscellaneous loading/unloading areas. The permittee shall describe and implement measures that prevent or minimize the contamination of storm water runoff from loading and unloading areas. The permittee shall consider the following, at a minimum (or their equivalents):

(a) covering the loading area;

(b) grading, berming, or curbing around the loading area to divert runoff; or

G. SECTOR SPECIFIC STORM WATER REQUIREMENTS

- (c) locating the loading/unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems.
- (6) Liquid storage tanks. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from aboveground liquid storage tanks. At a minimum the permittee shall consider employing the following measures (or their equivalents):
 - (a) Use of protective guards around tanks;
 - (b) Use of containment curbs;
 - (c) Use of spill and overflow protection; and
 - (d) Use of dry cleanup methods.
- (7) Large bulk fuel storage tanks. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from large bulk fuel storage tanks. At a minimum the permittee shall consider employing containment berms (or its equivalent). The permittee shall also comply with applicable state and federal laws, including Spill Prevention Control and Countermeasures (SPCC).
- (8) Spill reduction measures. The permittee shall describe and implement measures to reduce the potential for an oil/chemical spill, or reference the appropriate section of their SPCC plan. At a minimum the structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected on a weekly basis. All repairs deemed necessary based on the findings of the inspections shall be completed immediately to reduce the incidence of spills and leaks occurring from such faulty equipment.
- (9) Oil bearing equipment in switchyards. The permittee shall describe and implement measures to prevent or minimize contamination of surface runoff from oil bearing equipment in switchyard areas. The permittee shall consider the use of level grades and gravel surfaces to retard flows and limit the spread of spills, and the collection of storm water runoff in perimeter ditches.
- (10) Residue hauling vehicles. All residue hauling vehicles shall be inspected for proper covering over the load, adequate gate sealing and overall integrity of the container body. Vehicles without load coverings or adequate gate sealing, or with leaking containers or beds shall be repaired as soon as practicable.
- (11) Ash loading areas. The permittee shall describe and implement procedures to reduce or control the tracking of ash/residue from ash loading areas where practicable, clear the ash building floor and immediately adjacent roadways of spillage, debris and excess water before departure of each loaded vehicle.
- (12) Areas adjacent to disposal ponds or landfills. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from areas adjacent to disposal ponds or landfills. The permittee shall develop procedures to:
 - (a) Reduce ash residue which may be tracked on to access roads traveled by residue trucks or residue handling vehicles; and
 - (b) Reduce ash residue on exit roads leading into and out of residue handling areas.
- (13) Landfills, scrapyards, surface impoundments, open dumps, general refuse sites. The plan shall address and include appropriate BMPs for landfills, scrapyards, surface impoundments, open dumps and general refuse sites.
- (14) Vehicle maintenance activities. For vehicle maintenance activities performed on the plant site, the permittee shall use the applicable BMPs outlined in Sector P (9 VAC 25-151-230).

G. SECTOR SPECIFIC STORM WATER REQUIREMENTS

(15) Material storage areas. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from material storage areas (including areas used for temporary storage of miscellaneous products, and construction materials stored in lay-down areas). The permittee shall consider the use of the following measures (or their equivalents): flat yard grades; runoff collection in graded swales or ditches; erosion protection measures at steep outfall sites (e.g., concrete chutes, riprap, stilling basins); covering lay-down areas; storing materials indoors; and covering materials temporarily with polyethylene, polyurethane, polypropylene, or hypalon. Storm water runoff may be minimized by constructing an enclosure or building a berm around the area.

b. Comprehensive site compliance evaluation. As part of the evaluation, qualified facility personnel shall inspect the following areas on a monthly basis: coal handling areas, loading/unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Virginia Department of Environmental Quality
West Central Regional Office
3019 Peters Creek Road
Roanoke VA 24019

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

C. Reporting Monitoring Results (Continued)

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

G. Reports of Unauthorized Discharges (Continued)

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

I. Reports of Noncompliance (Continued)

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II U 2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

Y. Transfer of permits (continued)

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.